

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

HUNTINGTON DIVISION

**FILED**

JAN 24 2003

SAMUEL L. KAY, CLERK  
U. S. District & Bankruptcy Courts  
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

Criminal No. 3:02-00231

JOHN DAVID MOONEY,

**UNSWORN DECLARATION UNDER PENALTY OF PERJURY**  
**(28 U.S.C. §1746)**

1. I am the defendant in a criminal case now pending in the United States District Court for the Southern District of West Virginia, styled according to the heading above.

2. I have discussed a motion for a continuance to be prepared for filing in my case, in which my counsel will represent unto the Court certain grounds in support of the motion.

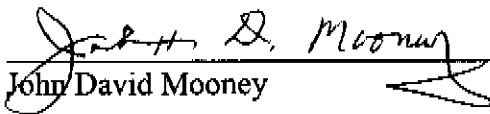
3. I now wish to state, and do state that, having discussed the motion to be prepared for filing, I believe that specific reasons exist in support of the motion, and that I have been counseled with regard to the applicable provisions of the Speedy Trial Act.

4. Insofar as they may be affected by a continuance of the trial and any related matters in this case, I do hereby waive my rights to a speedy trial as may be applicable to the continuance under the Sixth Amendment to the United States Constitution, and as guaranteed by the Speedy Trial Act. Title 18, United States Code, Section 3161, et seq. I understand the time exclusion periods as provided in the Act, and further desire and consent to the exclusions requested by my attorney.

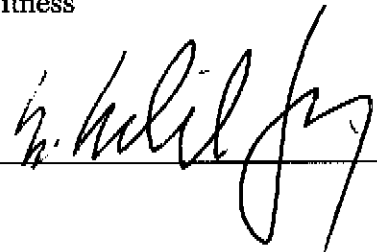
5. I believe that a failure to grant such a continuance would bring about possible adverse results as detailed in the Act, that the ends of justice will best be served by

granting such continuance, and that my best interests and the interests of justice in granting such a continuance outweigh my interests and the public's interests in a speedy trial under the Act mentioned above.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 22 day of January, 2003.

  
John David Mooney

Witness

  
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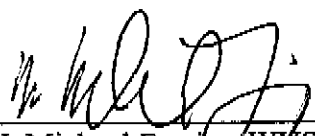
Criminal No. 3:02-00231

JOHN DAVID MOONEY,

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and accurate copy of the foregoing "Motion to Continue Trial Date" was forwarded this 23rd day of January, 2003, via U.S. Mail, to the following counsel of record:

Miller A. Bushong, III, Esquire  
Assistant United States Attorney  
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\_\_\_\_\_  
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